

Project Cerberus: Tobacco Industry Strategy to Create an Alternative to the Framework Convention on Tobacco Control

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Between 1999 and 2001, British American Tobacco, Philip Morris, and Japan Tobacco International executed Project Cerberus to develop a global voluntary regulatory regime as an alternative to the Framework Convention on Tobacco Control (FCTC). They aimed to develop a global voluntary regulatory code to be overseen by an independent audit body and to focus attention on youth smoking prevention. The International Tobacco Products Marketing Standards announced in September 2001, however, did not have the independent audit body. Although the companies did not stop the FCTC, they continue to promote the International Tobacco Products Marketing Standards youth smoking prevention as an alternative to the FCTC. Public health civil society groups should help policymakers and governments understand the importance of not working with the tobacco industry. (*Am J Public Health*. 2008;98:1630–1642. doi:10.2105/AJPH.2007.129478)

The tobacco companies' use of voluntary advertising codes and youth smoking prevention programs to displace effective tobacco control policies is not new.^{1–8} Since the 1960s, the companies have used these strategies against tobacco control at the local and national levels in the United States,^{3,7–10} United Kingdom,¹¹ Canada,⁴ Australia,^{12,13} Japan,^{14,15} Malaysia,¹⁶ Philippines,¹⁷ Hong Kong,¹⁸ Germany,¹⁹ Cambodia,²⁰ Singapore,²¹ Latin America,^{22,23} and the former Soviet Union.²⁴ In response to World Health Organization (WHO) efforts to develop the WHO Framework Convention on Tobacco Control (FCTC),²⁵ the first global public health treaty, major multinational tobacco companies moved quickly to internationalize these strategies.

The tobacco companies saw a strong FCTC as a threat^{26–31} and worked to undermine it through sympathetic countries³²; to undercut *Curbing the Epidemic*,³³ a World Bank publication that WHO used as economic justification for the FCTC³⁴; and to weaken civil society support for the FCTC by infiltrating tobacco control civil society organizations to create discord among them.^{35,36}

British American Tobacco Company, Philip Morris Tobacco Company, and Japan Tobacco International, who control about

41% of the world tobacco market,³⁷ also responded to the FCTC by embarking on Project Cerberus, a collaborative effort to promote a voluntary global tobacco industry regulatory regime, the 2001 International Tobacco Products Marketing Standards (ITPMS; see box on next page),^{39–41} that would be presented to governments as an alternative to the FCTC. (Cerberus is the 3-headed hound that guards the gates of Hades in Greek mythology.) Although the ITPMS did not derail the FCTC, tobacco companies continue to encourage governments to adopt or incorporate it into local laws, which could impede the development of effective tobacco control policies and programs and hamper ratification and effective implementation of the FCTC.

The Cerberus Group's efforts can be understood by the political-economic theory of self-regulation whereby corporations strategically self-regulate by setting standards to preempt strong and effective regulation through political action.^{42,43} To avoid government regulation, corporations move faster than governments to self-regulate. Usually oligopolists like the tobacco industry engage in voluntary self-regulation when facing the possibility of stringent government regulation.⁴²

METHODS

We used previously secret internal tobacco industry documents available at the Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>), British American Tobacco Document Archive (<http://bat.library.ucsf.edu>), and Tobacco Documents Online (<http://tobaccodocuments.org>). Between August 2005 and September 2007, we used a standard snowball search⁴⁴ to locate relevant documents, beginning with the terms “voluntary codes and Framework Convention on Tobacco Control,” “youth smoking prevention and Framework Convention on Tobacco Control,” and “tobacco industry joint or common project.” We conducted follow-up searches with Bates numbers and names of individuals and organizations mentioned in the documents. We retrieved approximately 1200 documents and used 136 for this analysis.

We examined news articles following the Cerberus Group's announcement of the ITPMS on September 11, 2001; examined the tobacco companies' own Web sites to corroborate claims in the tobacco documents; posted questions on GLOBALink, a computer-based network of tobacco control professionals; and directly contacted tobacco control advocates regarding tobacco company ITPMS promotion to governments and company compliance with it.

We relied primarily on tobacco industry documents. These publicly available documents are probably not a complete set of communication on Project Cerberus.

RESULTS

British American Tobacco Leadership in Project Cerberus

As part of its corporate social responsibility strategy to gain public credibility,^{45–52}

The International Tobacco Products Marketing Standards

Content Standards

The content of the communications that the participating companies use to encourage adult consumers to select their brands over those of the competition must abide by these criteria:

- They cannot be aimed at, or have any appeal to, youth.
- They cannot feature celebrities or appear to have their endorsement.
- They cannot depict individuals younger or appearing to be younger than 25 years.
- They cannot suggest that smoking enhances athletic, professional, personal or sexual success.
- All new advertisements that adhere to these Content Standards will include a clearly visible health warning, except in rare instances such as point-of-sale materials smaller than 250 cm².

Media Standards

The Standards include the following requirements for media advertising:

Print

- Ads can only be placed in publications with at least 75% adult readership.
- Ads cannot be placed on the packaging or outside covers of any printed publication.

Outdoor and Billboard

- Billboard advertisements cannot be placed within 100 m of schools.
- Outdoor ads cannot exceed 35 m² in total size.

Cinema, television, radio, and Internet

- Ads cannot run in cinemas unless there is a reasonable basis to believe that at least 75% of the audience is adult.
- Television, radio, or Internet advertising is not allowed unless and until technology exists at some future date to absolutely verify adult viewers (and access could be restricted to countries where such electronic advertising is permitted)

Product Placement

- The Standards prohibit product placement in motion pictures, television programming, theater, musical performances, video games, or any similar media intended for the general public.

Promotion and Event Standards

- Only adults allowed access to brand promotional events.
- No ads to appear on shopping bags or on any items intended to be used predominantly by youth.
- Branded clothing offered for sale or distribution by the companies only in adult sizes.
- Sampling of tobacco products must be limited to adult smokers and can only be offered in segregated adult areas.
- To the extent possible, direct-mail lists used for promotional purposes shall consist only of adult smokers.
- Public participation in promotional offers conditional upon evidence of age eligibility and confirmation of smoker status.

Sponsorship Standards

Events

- All sponsored teams or individuals; and all participants who compete or otherwise take an active part in sponsored events must be adults.

As of December 1, 2006:

- Attendance at a sponsored event or activity must be comprised of at least 75% adults.
- Events cannot have any particular youth appeal, nor can they generate broadcast coverage.
- The event's principal activity must not require above-average physical fitness.

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British American Tobacco brought the 3 major tobacco companies together to develop a worldwide voluntary tobacco industry regulatory regime.^{46,53} British American Tobacco's main reasons for leading what became Project Cerberus included the threat of regulation generated by document disclosure after US tobacco litigation settlements, the WHO FCTC, and attempts to have the US Food and Drug Administration regulate the US tobacco industry.⁴⁶ According to the undated British American Tobacco "Draft discussion document: project 2000," probably prepared in 1999,

The Industry Initiative. PMI [Philip Morris International] have been asked [by British American Tobacco] to review their position and report back to their CEO by [March 1, 2000]. While we [British American Tobacco] expect them [Philip Morris] to be willing to undertake single issue industry initiatives (e.g., against underage smoking) and also engage in a greater dialogue externally, it seems unlikely they will be willing to negotiate a [voluntary regulatory] code on a world-wide basis. If we wait for PM [Philip Morris], there is a significant risk of "missing the bus" as the regulatory debate heats up. We will wait for their position to become clearer in March but we must plan assuming they [Philip Morris] will not be willing to co-operate and we have to act unilaterally, or at least with only limited support from other industry members.⁴⁶

British American Tobacco's desire to respond to the FCTC and other regulatory efforts around the world with a single tobacco industry regulatory regime led its top management to appoint a team led by Mike Nightingale, a British American Tobacco consumer affairs manager, to work on Project Cerberus.^{46,49} British American Tobacco also hired Shandwick International, a United Kingdom-based public relations firm, to work on Project Cerberus (for £18110 per month).⁵⁴ In addition, British American Tobacco developed Project Hero, a British American Tobacco voluntary advertising code to be overseen by an independent audit body, as a backup for Project Cerberus.^{50,55}

Regaining the Initiative with Project Cerberus

The Cerberus Group began to collaborate to "regain the initiative" in tobacco control⁵⁶ with a meeting of British American Tobacco, Philip

Continued

Sponsorship Advertising: The following continue to be permitted until December 1, 2006:

- On-site signage at sponsored events.
- Sponsorship-related TV and radio broadcasting.
- Trademarks and brand logo use as part of sponsored events.

All forms of advertising associated with, or ancillary to, sponsorship shall comply with the Standards after December 1, 2006

Packaging, Sales, and Distribution Standards

- Reasonable measures shall be taken to prevent youths from having access to cigarettes in vending machines.
- The participating companies will not sell or distribute packs with fewer than 10 cigarettes, and there can be no incentives or materials to support sales of single cigarettes.
- All packages and cartons, including those that are duty-free, must carry a clearly visible health warning, in keeping with the principle of informed adult choice.

Youth Smoking Prevention Measures

Youth access prevention

- The participants shall make sustained efforts, in cooperation with governments, regulatory agencies and others, to prevent youth access cigarettes.

Minimum age restrictions

- The participants are committed to the enactment and enforcement of minimum-age restrictions for the lawful sale of tobacco products in all jurisdictions worldwide.

Source: Philip Morris.³⁸

Morris, and Japan Tobacco International top executives in Geneva, Switzerland, on December 1, 1999; the executives “spontaneously proposed co-operation” to try to devise a tobacco industry regulatory regime (Table 1).⁵⁷ They also agreed that “such a regime must have genuine credibility as independent and empowered” and “should be based on a clear constitution and underlying codes of practice” and that “announcement [of the regime] must have a real and dramatic impact.”⁵⁷

British American Tobacco executives indicated that it was “critical to have alternative WHO [FCTC] proposal for consideration by governments well before the [2000 World Health Assembly]”⁵⁷ that was scheduled to approve the proposed FCTC text. Between December 1999 and March 2000 top officials from British American Tobacco, Philip Morris, and Japan Tobacco International had 3 additional major meetings in New York and London (Table 1)⁷⁷ and hired consultants (Table 2) to help develop Project Cerberus’ components: the voluntary regulatory code, the independent audit body to monitor and enforce the companies’ compliance with the code, and a joint youth smoking prevention initiative.^{56,57}

The Cerberus Group kept the project secret, even from other tobacco companies^{56,57,59,79} until just before its anticipated February 2000 announcement.⁵⁹

Rationales for Project Cerberus

A January 2000 report by, most probably, Linklaters,⁷⁸ a United Kingdom-based law firm with 30 offices in 23 countries, for the Cerberus Group provided recommendations on the justification and structure for the regulatory regime.⁸⁴ They argued that changing circumstances demanded that the industry establish such a regime to “meet the declared aims of the World Health Organization”⁸⁴; noted that

the fact of engaging in this strategy [developing a regime] may in itself divert the Organization [WHO] from moving more rapidly against the industry; and noted that the fact of such discussions might be cited to other NGOs [non-governmental organizations] or administrations as reason not to move precipitously against the industry.⁸⁴

The objectives for such a regime included “increase public confidence in the regulatory process, and thereby decrease political support for antitobacco pressure groups.”⁸⁴ The

regulatory regime should be considered an industry initiative because it “reflects a total change in approach and brings an immediate benefit in changing political circumstance,” and “it allows us to draw what we believe the objectives of the new body [the independent audit body] actually are.”⁸⁴

The report noted that the self-regulation body, the independent audit body, would perform 3 functions: police the industry, maximize public recognition of the industry’s responsible behavior, and settle disputes over compliance with the code as well as “preempt others from setting up such a process.”⁸⁴ The main reason for establishing the independent audit body was to gain credibility and “maximize public acceptability” of the regime.⁸⁴ According to the report, the tobacco industry regime, which was to deal with “reasonable” issues such as youth smoking prevention, could weaken criticism of the industry and demonstrate its ability to partner with governments.⁸⁴ However, the report noted that any industry initiative receives “universally bad press” and that the companies should not expect the regime to change public perception of the tobacco industry.⁸⁴ Nevertheless, the report concluded that the merits of establishing an industry regime outweighed the drawbacks.

The rationale for Project Cerberus was summarized in a “confidential” “London wrap-up” that McKinsey & Company,⁸⁵ a United States-based consulting firm active in 51 countries (Table 2), prepared for the Cerberus Group after the third meeting in London.⁷⁸ The report summarized the week-long discussions and indicated that Project Cerberus aimed to “end or avoid ‘isolation,’ ‘regain our [Cerberus Group] voice in the [tobacco control] debate,’ and create a ‘relatively stable business environment.’” The anticipated short-term successes of the project included “recognition that there is a credible alternative” to government regulation and the provision of evidence that the group is “seen to be trying to do something that is genuine [and] of value to the solution” and “promotes our ability to get into a dialogue”; long-term anticipated success included “*accepted participant in the discussion [of tobacco control]; majority of public ‘trusts’ us to manage a controversial product*” (italics added).⁷⁹

TABLE 1—Project Cerberus Timeline

Date	Event
May 1999, Geneva, Switzerland	World Health Assembly approved the start of negotiation of the FCTC
October 25-29, 1999	First Meeting of the FCTC Working Group
First Project Cerberus meeting, December 1, 1999, Geneva, Switzerland	Top executives of the 3 companies—British American Tobacco (BAT), Philip Morris (PM), and Japan Tobacco International (JTI)—met to discuss tobacco industry alternatives to the FCTC and areas suitable for cooperation ⁵⁷
December 1999	“Draft youth code” after the first meeting for discussion during the second “Project Cerberus” meeting ⁵⁸
Second Project Cerberus meeting, December 15-17, 1999, New York, NY	BAT, PM, JTI and their consultants met to discuss the “voluntary regulatory code,” the Independent Audit Body (IAB), and the tobacco industry “significant gesture” or concessions ^{59,60}
January 2000	A report on the case for and against the establishment of a tobacco industry regulatory regime ⁶¹
January 5, 2000	PM faxed a “concept paper” on the establishment of IAB to probably Kissinger Associates requesting their participation in Project Cerberus ⁶²
January 7, 2000	Memorandum on the establishment of “an effective regulatory regime for the industry” from Linklaters to BAT, PM, JTI, McKinseys, a consultant, and John Sharkey, a private consultant ⁶³
Third Project Cerberus meeting, January 10-14, 2000, London, England	Continued discussion of key components of “Project Cerberus”—elements of voluntary regulatory code, the IAB, and tobacco industry gesture or concession ⁶⁴
January 17 and 25, 2000	BAT proposed a simple IAB structure and elements of the “marketing code” ^{65,66}
January 27, 2000	Draft of BAT’s “draft marketing code” on “ensuring tobacco is not marketed to youth,” “ensuring marketing does not mislead adults,” and “informing adults about the risks of smoking” for discussion. BAT proposed an IAB with simple structure ⁶⁷
Fourth Project Cerberus meeting, February 2-3, 2000, London, England	A review of the voluntary code, the IAB, and youth smoking prevention, the main industry gesture or concession ^{68,69}
March 27-29, 2000	Second meeting of the FCTC Working Group
May 2000	The 53rd World Health Assembly adopted the proposed FCTC text
October 12-13, 2000	FCTC public hearings in Geneva, Switzerland
October 16-21, 2000	First session of the FCTC Intergovernmental Negotiating Body (INB)
December 13-14, 2000, London, England	Meeting of the industry team on youth smoking prevention ⁷⁰
April 23, 2001	The companies met to work on details of a “communication plan” for the code under Project Cerberus ^{71,72}
April 30-May 5, 2001	Second session of the INB
June 15, 2001	The “companies agree on new standards for tobacco marketing,” but without an oversight body. ⁷³ The companies developed “key external messages (for use beginning Sept. 11, 2001).” ⁷⁴ The companies developed questions and answers for the “[International] Tobacco Products Marketing Standards” ⁷⁵
September 11, 2001	The tobacco companies announced the International Tobacco Products Marketing Standard, the ultimate outcome of Project Cerberus, ⁷⁸ which coincided with the terrorist attacks in the United States
November 22-28, 2001	Third session of the INB
March 18-23, 2002	Fourth session of the INB
October 14-25, 2002	Fifth session of the INB
December 31, 2002	The International Tobacco Products Marketing Standard took effect ³⁹⁻⁴¹
February 17-28, 2003	Sixth session of the INB
May 21, 2003	The 56th World Health Assembly unanimously adopted the FCTC
February 27, 2005	FCTC became international law
February 6-17, 2006	FCTC first Conference of Parties meeting
December 1, 2006	Aspects of the “Sponsorship Standards” went into effect ^{39-41,76}
June 30-July 6, 2007	FCTC second Conference of Parties meeting

Voluntary Regulatory Code

The core component of the project was a voluntary regulatory code that consisted of consumer information, marketing practices, commercial practices, and research and new product development.⁸⁶⁻⁸⁸ Development of this code began during the first meeting in Geneva in December 1999 and

after the first FCTC Working Group meeting in October 1999 (Table 1). The Cerberus Group discussed “areas of suitable cooperation” including prices, smuggling, tax-free tobacco products, advertising and sponsorship, and youth smoking prevention.⁵⁷ The discussions were guided by FCTC “Technical Briefing Series Paper 2”⁸⁹

that analyzed WHO proposals for the FCTC, and which WHO used as a technical background document to provide justification for the FCTC.

Disagreement over marketing practices emerged during the second meeting because none of the companies wanted the others to gain competitive advantage as a result of the

TABLE 2—Project Cerberus Consultants

Consultant's Name	Role in Project Cerberus
Linklaters, UK	Developed the “Cigarette Industry Independent Regulatory” regime as alternative to the FCTC—Project Cerberus—and drafted the Independent Audit Body (IAB) roles and powers. ^{56,59,63,78} “First draft of IAB constitution on the basis of agreed draft IAB role and powers and proposing possible sanction mechanisms” ⁵⁹
Kissinger and Associates, US	“List of candidates [for IAB],” “suggested location for IAB,” and “funding ideas for IAB” ⁵⁹
McKinsey, US ^{63,79–81}	“McKinseys to be briefed to provide process support for the project team BS to provide contact names” by “JS [John Sharkey],” ⁵⁹ a member of the Project Cerberus team ⁷⁷
Shandwick International, UK	Shandwick charges BAT £18 110 per month for work under Project Cerberus ⁵⁴
TBWA GGT Simmons Palmer of London, UK	“Tobacco Project—Team Members.” ⁷⁷ Helped with “YSP [youth smoking prevention] identity standards (logo guidelines)” ⁷⁰
John Sharkey, UK	A London-based private consultant ^{63,77,82}
Tim Frazer, Arnold and Porter London, UK	Helped Philip Morris in developing the industry Marketing Standards. ^{82,83}

code.^{57,86,87} British American Tobacco desired to “avoid one-size-fits-all proposals,” Philip Morris preferred “controls, not bans,” and Japan Tobacco International was “not prepared to co-operate in discussion about banning brand diversification or advertising of diversified brands.”⁵⁷ As a result, the group did not agree on a common industry position on marketing during the second and third Cerberus meetings (Table 1). In spite of these early differences, the 3 companies agreed on the need for an industry-wide voluntary regulatory code, and each of the companies formed teams to develop their positions in preparation for subsequent negotiations.⁷⁷

Although British American Tobacco and Philip Morris maintained different positions on marketing practices, the Cerberus Group used WHO proposals for the FCTC to help develop their position on other components of the voluntary regulatory code during the second and third meetings.^{56,57,59,60,64,79,87,88,90–92}

The proposed code discussed during the third meeting supported: marketing of tobacco to people 18 years and older, highlighted health warnings, standard definitions for “light” and “mild” cigarette descriptors, a maximum tar and nicotine policy, and ingredient disclosure.⁸⁶ By January 27, 2000, British American Tobacco made a proposal to the other 2 companies,⁶⁷

some of which became part of the ITPMS (see box on page 1631), before the fourth major meeting in London in February 2000^{69,92,93} (Table 1) that the code should allow advertising in cinemas, the press, and in-store and hospitality venues for people older than 18 years; sponsorship of sporting events directed at adults; health warnings covering 15% of packs and cartons; ingredient disclosure; and standard definitions for descriptors.

We did not find information on the fourth meeting’s outcome. It appears that general consensus on the content of the voluntary regulatory code did not emerge until May 2001 (Table 1).

Independent Audit Body

Developing a credible independent audit body⁶¹ was the group’s strategy to overcome the concern of how a tobacco industry voluntary regulatory regime could gain public credibility.⁶¹ The US companies had tried this approach in the early 1960s, when they collaborated to develop the Cigarette Advertising Code of 1964 and established a Cigarette Advertising Code administrator as an enforcement mechanism.^{9,10} This oversight body, headed by a former New Jersey governor, only lasted 3 years; the companies dismantled it in 1967, and omitted it from their 1990 revised code.⁹⁴

The independent audit body became an element of Project Cerberus during the first meeting in December 1999.⁵⁷ At the second meeting the Cerberus Group agreed that the independent audit body should be “completely independent” with no industry representatives, and “non-profit-making but with the ability to appoint people and operate independently.”⁵⁹ The independent audit body would be charged with, among other things, ensuring that the “industry is providing the clearest and most complete information on tobacco,” “industry’s actions do not generate any increase in the risks associated with smoking,” and “industry takes action to decrease the risks associated with smoking when possible.”⁵⁹ The roles and powers of the independent audit body included ensuring compliance with the voluntary code, making recommendations for changes in the code, and investigating and imposing sanctions for noncompliance.⁵⁹ The group agreed that funding for the independent audit body “should be as arms-length as possible.”⁵⁹

The Cerberus Group had 2 consultants to help develop the independent audit body, Linklaters and Kissinger Associates (Table 2). They asked Linklaters to develop the independent audit body’s constitution and structure.^{56,59,63,95} Linklaters made presentations on the independent audit body during the second and third Cerberus meetings and stressed that the success of the tobacco industry regime under Project Cerberus depended on establishing a seemingly independent body.^{95,96} In addition, the group agreed to engage Kissinger Associates (run by the former US Secretary of State) to help recruit the independent audit body head and suggest how the group should fund and locate it.^{59,62,97} Philip Morris faxed a concept paper⁶² for the independent audit body to Kissinger Associates on January 5, 2000, seeking their involvement. Kissinger Associates contacted the Cerberus Group during the third meetings in London (Table 1),⁹² but we do not know what role (if any) Kissinger Associates eventually played.

Discussions on the independent audit body began to collapse after the third meeting, when British American Tobacco proposed that the independent audit body

should “have a simple structure, minimizing the required international infrastructure; limit the time commitment required from a high profile head of the body; allow companies to re-engage the public in a debate on responsible marketing; by monitoring a narrow marketing code, enlarge the pool of companies who might become signatories.”⁶⁶ British American Tobacco’s proposal suggested that the Cerberus Group move faster to develop the tobacco industry regulatory regime before the March 2000 meeting of the FCTC Working Group.⁵⁷ British American Tobacco thought it was important to demonstrate to governments that the industry was capable of self-regulation as part of the argument that the FCTC was unnecessary. The group reviewed a “blue print of the independent audit body” during the fourth meeting.⁶⁹

Despite British American Tobacco’s push, the independent audit body died. Subsequent discussions of Project Cerberus after the fourth meeting did not include the independent audit body. However, in a November 22, 2000, “discussion document,” Philip Morris proposed an arbitration mechanism under which a “panel of independent arbitrators” would be nominated by the code’s signatory companies to settle disputes.⁹⁸ The absence of any oversight or even arbitration mechanism in the ITPMS suggests that the companies did not agree on Philip Morris’ proposal or any other enforcement mechanism.

Youth Smoking Prevention

Tobacco companies perceived youth smoking prevention as a way to “make a significant gesture”⁵⁹ that would divert attention from the FCTC, moderate the WHO’s moves toward the FCTC, and bring the tobacco companies together against the FCTC.^{30,99,100} As recently as 1998, Philip Morris, RJ Reynolds, and Brown & Williamson (owned by British American Tobacco) developed and aggressively promoted a tobacco industry youth smoking prevention program in response to the proposed tobacco settlement between the tobacco companies and states in the United States.⁷ The internationalization of this phenomenon⁷ became part of Project Cerberus.^{47,101}

Joint Youth Smoking Prevention Initiative

Youth smoking prevention was included in the list of discussion items during the first Cerberus meeting in December 1999, during which the group’s executives agreed “to continue and investigate ways of extending existing [youth smoking prevention] collaboration” globally, and “PM [Philip Morris] proposed cooperation in devising and publicizing an industry Minimum Age Policy where no legal age limit exists.”⁵⁷ Subsequently, officials of the Cerberus Group worked on developing an industry “youth code”¹⁰¹ under which “the 3 companies would set aside annually a specified sum of money for each country in which they were directly represented” for youth programs relating to retail, education, advertising, and research studies.^{58,102–107}

By the second Cerberus meeting, the group had abandoned this idea and had decided to integrate youth smoking prevention into the marketing and advertising code as one of the “industry significant gesture[s]” under Project Cerberus.⁵⁹ During the third⁷⁹ and fourth^{56,69} meetings, youth smoking prevention became the main industry concession under Project Cerberus, probably because the companies were already cooperating on youth smoking prevention in many countries.⁵⁷ The Cerberus Group’s efforts resulted in the ITPMS’s global youth smoking prevention standards (see box on page 1631).^{108,109}

During the third meeting in London, the group formed teams on 3 joint global initiatives in addition to the marketing and advertising code: youth smoking prevention, “accommodation,” and “science.”⁷⁹ Eventually, the group focused on youth smoking prevention as a joint initiative against the FCTC under Project Cerberus probably because, according to Philip Morris, it “continues to drive public policy” and was an “explicit premise for the Framework Convention.”¹¹⁰

The youth smoking prevention team had monthly meetings¹¹¹ to discuss the Cerberus Group’s activities under the joint youth smoking prevention initiative.^{111–115} The team used the industry’s youth smoking prevention activities in Argentina, Australia,

Poland, Italy, and Portugal¹¹⁴ as guide for joint youth smoking prevention initiatives in Czech Republic, Germany, Malaysia, Russia, Spain, and Switzerland.¹¹⁶ As in the United States^{3,7} and elsewhere,^{23,117} the Cerberus Group sought to partner with government agencies and third parties^{116,118} because of “inherent public distrust of tobacco companies regarding youth smoking prevention,” and because

third-party organizations that are focused on children and teenagers offer the advantages of (1) having access to kids, (2) having a strong base of knowledge about kids and how to work with them, and (3) having a clear agenda (i.e., to help kids).¹¹⁷

At their meeting in London in December 2000, the youth smoking prevention team and their consultants discussed the Cerberus Group activities around the world under the joint initiative such as “youth smoking prevention identity standards (logo guidelines),” “project report on EE [Eastern Europe] coalitions and research” on youth smoking prevention and “Latin America Two-Company [British American Tobacco and Philip Morris] youth smoking prevention collaboration,” “British American Tobacco/Japan Tobacco International global commitment to youth smoking prevention,” “retail access prevention,” and “worldwide youth smoking prevention research protocol.”⁷⁰ These activities were strategic efforts by the Cerberus Group to demonstrate to governments that the industry was capable of addressing youth smoking and that the FCTC was not necessary. The youth smoking prevention initiative under Project Cerberus became the first global collaboration of tobacco companies on this issue in the FCTC era.

Integrating Project Cerberus With Plans and Actions Against the FCTC

While discussions of an industry-wide regulatory regime under Project Cerberus were going on, the 3 companies made the voluntary marketing and advertising code and youth smoking prevention part of their individual plans and actions against the FCTC.¹¹⁹ Philip Morris International’s president and chief executive acknowledged the industry collaboration on youth smoking prevention in a 2000 report, “Global Youth Smoking

Prevention Programs,” which he delivered to Philip Morris colleagues.¹²⁰ A March 2000 Philip Morris report recommended that executives of tobacco companies launch a “major, worldwide youth smoking prevention initiative.”¹⁰⁰

Because Philip Morris felt youth smoking prevention was going to drive the FCTC debate, it indicated in a May 24, 2000, presentation that it had “begun a series of [youth smoking prevention] initiatives in many markets,” which included “support[ing] minimum sales age in over 90 countries,” “print[ing] ‘underage sale prohibited’ on packs in all major markets,” “undertak[ing] retail access prevention programs in 58 markets,” and “sponsor[ing] youth no-smoking education programs in 46 markets” as well as “support[ing] voluntary industry [marketing and advertising] codes in 80 markets.”¹¹⁰

Philip Morris had a “WHO meeting” in New York on August 25, 2000, for its top officials from Asia, Australia, Europe, Latin America, and the United States to inform them about its activities on the FCTC, including the marketing code.¹²¹ Philip Morris reiterated its position that youth smoking prevention should be the FCTC’s focus in a November 9, 2000, presentation to its executives by Philip Morris’ Worldwide Regulatory Affairs.¹²² These activities were calculated to focus governments’ attention on youth smoking prevention and away from the other issues addressed under the FCTC.

British American Tobacco also integrated a voluntary marketing and advertising code and youth smoking prevention in its worldwide activities against the FCTC.^{119,123–127} A British American Tobacco strategy document probably prepared in 2000 highlights British American Tobacco strategy against the FCTC, which included “calls for a set of global principles to address the key health objectives (Youth, marketing, safer products, consumer information etc.),” the “launch [industry voluntary regulatory code] in run up to Geneva [FCTC public] hearings” (Table 1), and efforts to “build [the industry] code headlines”¹¹⁹ into a WHO FCTC submission at WHO’s public hearings. Because British American Tobacco executives wanted the Cerberus Group to move more quickly than governments and nongovernmental organizations

working on the FCTC to develop an industry regulatory regime,⁵⁷ British American Tobacco planned to

Propose a solution to *fast track* ‘sensible regulation’ at a National level with the tobacco industry’s support that is consistent with our own [British American Tobacco’s] corporate objectives. To do this we need to knit together the ongoing work [with Philip Morris and Japan Tobacco International] regarding the WHO . . . and the industry marketing code.¹¹⁹ (italics added)

British American Tobacco considered the WHO FCTC public hearings in October 2000 very important, and mobilized allies to make submissions.¹²⁸ Shandwick International (Table 2) indicated that “20.4% [of 553 submissions to the public hearings] were for tobacco industry.”^{129,130} The Cerberus Group companies’ submissions focused on the industry’s ability to regulate itself, the right of adults to choose to smoke, and the idea that youth smoking prevention should be the focus of the FCTC.^{131–133} British American Tobacco viewed the FCTC as “fundamentally flawed” and stated that “the WHO’s proposals would severely damage the tobacco companies’ abilities to continue to invest in new product development and youth smoking prevention.”¹³³

British American Tobacco worked in 2000 on how to use voluntary codes and youth smoking prevention to respond to the FCTC when training its managers of the Consumer and Regulatory Affairs Department, which is responsible for developing British American Tobacco’s strategies for dealing with regulatory issues worldwide, and other British American Tobacco officials during regional Consumer and Regulatory Affairs Department meetings in Brazil in June 2000,¹²³ Poland in June 2000,^{124,125} United Kingdom in November 2000,¹³⁴ and Vietnam in December 2000.¹³⁵

These meetings trained the attendees in 4 “reputation management” issues (youth smoking prevention, corporate conduct and accountability, consumer information, and “sensible regulation”) and how to communicate the idea that only adults should smoke.^{123,135} The rationale for these activities can be inferred from a report on how British American Tobacco worked with industry allies and lobbied politicians and

policymakers in East Africa to focus on youth smoking prevention so that it “might lead to a partnership approach from health authorities with respect to the [WHO FCTC activities].”¹²⁵

Publicizing Project Cerberus’ Tobacco Marketing Standards

By May 2001, the Cerberus Group had reached consensus on the ITPMS (see box on page 1631).^{38,70,73,109} They next worked on getting other companies and organizations¹³⁶ to sign the ITPMS to turn it into the global tobacco industry voluntary marketing and advertising code that the Cerberus Group had envisioned¹³⁷ and generate media coverage for the ITPMS.⁷⁴ Talking points were developed for contacting other tobacco companies and organizations to convince them that the 3 Cerberus companies developed the code out of the desire to “ensure that cigarette advertising, sampling, promotion and distribution are directed at informed adult smokers and not youth” and that the ITPMS “originated in our three-company [Cerberus Group] commitment to youth smoking prevention programs/actions.”¹³⁸

The group decided to postpone public announcement of the ITPMS from July 2 to mid-September 2001 “to make sure that the 20 or more other companies being approached have enough time to decide whether they want to be in the initial group of participants,” and “to give markets time to come together as three or more companies locally to decide how they want to communicate publicly about the standards in their markets, including any desired government officials.”¹³⁹

On June 15, 2001, the group finalized the ITPMS.³⁸ The communication plan,⁷³ “key external messages,”⁷⁴ and the questions and answers⁷⁹ the Cerberus Group developed for the ITPMS conveyed the public message that the tobacco industry could regulate itself and that smoking should be limited to adults. Surprisingly, the questions and answers conveyed the message that the ITPMS was *not* a response to the FCTC,¹⁴⁰ probably because of fear of a backlash and unwillingness to portray the ITPMS as tobacco industry preemptive efforts against the FCTC.

Promoting the International Tobacco Marketing Standards

On September 11, 2001, British American Tobacco, Philip Morris, Japan Tobacco International, and 5 smaller tobacco companies publicly signed the ITPMS and set the compliance date for December 31, 2002.^{140,141} The ITPMS did not receive wide media coverage because it coincided with the terrorist attacks on the United States.

After the ITPMS was announced, Cerberus Group officials worked to raise public awareness of it,¹⁴² calling on governments, United Nations agencies, and the World Bank to have “faith in a ‘new [tobacco industry] initiative.’”^{143,144} The WHO, however, cautioned countries against accepting the code.^{145,146} According to WHO Director General Gro Harlem Brundtland, “We have seen no evidence that tobacco companies are capable of self-regulation”¹⁴⁴ and “we need to be alert to any new attempts to persuade us that this new effort will succeed.”¹⁴³ Similarly, the tobacco control coordinator at the World Bank said, “We know what works and what doesn’t. Voluntary codes have proved to be a failure.”¹⁴³

In spite of the fact that the WHO and World Bank rejected the ITPMS, the Cerberus Group, particularly British American Tobacco, has continued to promote it, particularly in developing countries where the FCTC serves as a benchmark for enacting tobacco control policies and developing new tobacco control programs. Between 2005 and 2006, British American Tobacco updated the ITPMS “taking into account developing regulation,”¹⁴⁷ probably referring to the development of FCTC implementing protocols by the FCTC Conference of Parties.

In 2004, British American Tobacco subsidiaries in 62 countries engaged governments to incorporate the ITPMS into local laws, and subsidiaries in 73 countries engaged governments to promote standards similar to the ITPMS.¹⁴¹ British American Tobacco urged its subsidiaries and other companies to “demonstrate consistent application of the I[TP]MS with regard to youth.”¹⁴¹

In 2005, British American Tobacco spent £3 165 350 on 118 youth smoking prevention programs around the world.¹⁴¹ British American Tobacco reported that in 2006 it

ran 144 youth smoking prevention programs around the world,¹⁴¹ and Philip Morris International claimed to have supported youth smoking prevention educational programs in more than 50 countries.¹⁴⁸ It is not clear whether British American Tobacco (and other tobacco companies) succeeded in getting governments to incorporate the ITPMS into local legislation where tobacco control legislation existed, or to adopt the ITPMS where there was none.

British American Tobacco acknowledged in its “Social Reporting,” which began in 2001 and highlighted its activities toward tobacco regulation around the world, that there was incomplete adherence or nonadherence by its subsidiaries to the ITPMS in Angola, Argentina, Bangladesh, Bosnia, Chile, Colombia, Germany, Guinea, Italy, and Peru.¹⁴¹ Others reported that in Malaysia,^{149–153} Nigeria,¹⁵⁴ and Gambia¹⁵⁵ British American Tobacco subsidiaries did not appear to be following the ITPMS and other governmental regulations on advertising, promotion, and sponsorship. Public health advocates in Bangladesh, Brazil, India, Mexico, Nigeria, Pakistan, and Uganda responded to our GLOBALink inquiry and direct contact that tobacco companies in their countries violated both the letter and the spirit of the ITPMS. Action on Smoking and Health, a United Kingdom-based tobacco-control nongovernmental organization, also reported that tobacco companies in developing countries do not adhere to the ITPMS.^{156,157}

DISCUSSION

Background

Since at least the 1960s, tobacco companies have developed voluntary advertising codes and youth smoking prevention programs in response to proposals for advertising restrictions in countries such as Canada,⁴ the United Kingdom,¹¹ and the United States.^{9,10} Consistent with political-economic theory of self-regulation that oligopolists strategically collude to self-regulate when facing possibility of stringent government regulation,^{42,43} the Cerberus Group embarked on Project Cerberus to internationalize this approach.⁷⁸ At the global level, tobacco companies have used

strategies such as staging events to divert attention away from the public health issues raised by tobacco use, distorting the results of scientific studies on tobacco, and working to discredit the WHO^{2,4,6,158,159} and World Bank through third-party critics. Project Cerberus aimed to demonstrate that the tobacco industry is capable of self-regulation and that youth smoking prevention should be the focus of tobacco control and thereby hoped to stifle the development (and later, implementation) of the FCTC.^{57,61}

Tobacco industry voluntary codes are generally weak and undermine tobacco control by diverting policymakers’ attention from promulgating effective tobacco control legislation, perpetuating the very problem the tobacco companies’ programs seek to solve, and helping the tobacco companies gain a good reputation. The companies have circumvented marketing restrictions, either voluntary codes or laws, by exploiting loopholes in any law or advertising code.^{1,4,5} The lack of good faith in the development of these voluntary codes arises when the tobacco companies do not adhere to them.^{4,5,9,15,20,160}

Industry analysts have pointed out that the ITPMS would not affect demand or sales of tobacco products,¹⁶¹ and British American Tobacco Malaysia, for example, said that it would direct money from advertising and promotion that would be banned under the ITPMS and government regulation to other ways of marketing their tobacco products.¹⁶² Not surprisingly, respondents to our GLOBALink inquiry and direct contact pointed out that tobacco companies in their countries do not adhere to their own code.

Tobacco industry youth smoking prevention programs have not been effective at curbing smoking among youths; indeed, industry youth smoking prevention advertisements make children more open to smoking.^{5,163,164} Tobacco industry documents indicate that these industry youth smoking prevention programs are rather a public relations strategy to shift focus on programs that highlight the industry’s behavior, improve the companies’ public image, and build relationships with legislators, regulators, and community leaders.^{3,4,7,163–166}

In 2007, the US Institute of Medicine (part of the National Academy of Sciences)

recommended that tobacco companies be legally prohibited from

targeting youth under 18 for any purpose, including dissemination of messages about smoking (whether ostensibly to promote or discourage it) or to survey youth opinions, attitudes and behaviors of any kind.¹⁶⁷

Even though Project Cerberus did not succeed in replacing the FCTC, it shows the extent to which tobacco companies are willing to collaborate to sabotage collective actions in global tobacco control.^{111–115} Tobacco companies continue to promote the ITPMS to governments and policymakers around the world.^{39–41,141}

Conclusion

The top executives of British American Tobacco, Philip Morris, and Japan Tobacco International created Project Cerberus in 1999 to develop a global tobacco industry voluntary regulatory regime as an alternative to the FCTC, resulting in the ITPMS and global youth smoking prevention programs. The idea of an oversight body, the independent audit body, was dropped from the ITPMS, and it illustrates the tobacco industry's inability to develop an enforceable voluntary code.

The facts that Project Cerberus was a top executive initiative in response to the FCTC and that the companies spent 3 years trying to develop such an alternative should guide policymakers and the general public in their efforts to ratify and implement the FCTC. The Cerberus Group's efforts were meant to convey the idea that the FCTC is but one option for regulating the tobacco industry within the international system,⁵⁷ a message that could confuse policymakers and governments not conversant with the rationales behind the FCTC and ITPMS.

The general lesson from Project Cerberus is that public health professionals and policymakers cannot trust or work with the tobacco industry. This lesson is particularly important in developing countries, where governments, policymakers, and the general public are vulnerable to the tobacco industry practices¹⁶⁸ and often poorly prepared to contest their influence.

Decisionmakers need to understand that the industry works through friendly min-

istries to undermine implementation of the FCTC^{32,33,169,170} and uses youth smoking prevention to build these relationships and displace effective tobacco control policies.^{7,23} The involvement of the private funders, including the Bloomberg Tobacco Control Initiative and the Gates Foundation, in advocacy, research, and surveillance could help policymakers and governments appreciate the dangers of working with the tobacco industry.

Framework Convention on Tobacco Control Article 5.3²⁵ requires that "in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law," and Article 20.4 requires research, surveillance, and sharing of information on the tobacco industry activities. Because Article 4.7 allows civil society participation in the implementation and development of the FCTC guidelines and protocols, civil society should use the momentum and goodwill gained during the negotiation of the FCTC³⁵ to help policymakers and governments understand the importance of not working with the tobacco industry. ■

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Contributors

H.M. Mamudu and R. Hammond identified Project Cerberus as an important subject and did the data collection for this article and wrote the first draft. R. Hammond assisted in identifying important documents and reviewed the final revised article. S.A. Glantz supervised the project and participated in preparing all versions of the article.

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Human Participant Protection

This study was approved by the institutional review board of the University of California, San Francisco.

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